# Milton Town Council Meeting Milton Theatre, 110 Union Street Thursday, April 17, 2008 7:05 p.m.

# 1. Call to Order – Mayor Post

Mayor Post opened the Milton Town Council Meeting. I do want to apologize to our Wagamon's Group because we said that tonight would be the workshop for the reassessment, however, on the first Monday of the month, we had tabled many items for tonight and we still ran until 1:00 a.m. on Tuesday morning. We have scheduled a workshop on May 15, 2008 at 6:00 p.m. at the Milton Theatre. We have already secured the Assessor, who will be here to help us answer questions in regard to the process and how the assessment would be conducted to ensure that we have an equitable and fair assessment for everyone in the Town of Milton. I know there is another meeting scheduled for next week with the Town Manager and the Assessment Firm, as well.

- 2. A Moment of Silence was led by Councilwoman Betts.
- 3. The Pledge of Allegiance to the Flag was said by all.
- 4. Roll Call: C Martin-Brown, "here"; C Duby, "here"; C Hudson, "here"; C Prettyman, "here"; C Abraham, "here"; C Betts, "here"; and Mayor Post, "here".
- 5. Additions or Corrections to the Agenda

<u>C Betts</u>: A request was brought into the office and I did not receive it until Monday of this week, it did not get on the Agenda and it regards the Prettyman Street closing for their annual yard sale and I would like that put on the Agenda, please. <u>Mayor Post</u>: This will be placed as Item c, under New Business. Do we have a Motion to amend the Agenda as proposed? <u>C. Prettyman</u>: So moved. <u>C Abraham</u>: Second. <u>Mayor Post</u>: We have a motion and second, all in favor, motion carried.

#### 6. Approval of Agenda

<u>Mayor Post:</u> Can we have a motion to approve the agenda as amended? <u>C Duby</u>: So moved. <u>C Abraham</u>. Second. <u>Mayor Post</u>: We have a motion and second, all in favor, motion carried.

7. Executive Session to discuss Litigation and Personnel

Mayor Post: Now we need a motion to go into Executive Session. C. Betts: I make a
motion that we go into Executive Session at this time for the purpose of Litigation
and Personnel. C Prettyman. Second. Mayor Post: We have a motion and second,
all in favor, motion carried.

<u>C Prettyman</u>: I make a motion that we come out of Executive Session. <u>C Betts</u>: Second. <u>Mayor Post</u>: We have a motion and second, all in favor, motion carried.

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

#### 8. Old Business

- a. John Brady- Removed from agenda at the request of the Applicant. Yesterday, Wednesday, April 16, 2008, the Applicants for the continuation of the Appeal Hearing, requested by letter delivered last night and this morning by courier service, to continue the Hearing set for tonight, based on the request made of Town Council on them at the first part of the Appeal Hearing, specifically they were trying to get three estimates, they only had one written estimate in hand as of 5:30 yesterday afternoon. Secondly, the State Historic and Cultural Affairs representative could not come down in a week's time. The Sussex County Historical person came over and looked at the house, but did not have time to prepare a written report and was unavailable to testify tonight, based on a previous commitment and they wished to have additional time. That request was reviewed with the Mayor. The Mayor found that there was good cause to continue it. It will be rescheduled to an acceptable date with the Applicant and Council in May. When that Notice came in, the Amended Agenda was done today at 12:15 p.m., providing 6 hours and 45 minutes to try to give some public notice. It was also put on the web-site that the Appeal would not be heard tonight. It was a late request, but we don't have a 3 or 5 day timeframe in this matter, as it was continued over from the previous hearing.
- b. Final vote on possible placement of a town wide moratorium on demolition. John Brady: At the meeting earlier in the month of April there were concerns that there was no Appeal process so there were two things added: (1) the moratorium on demolition of structures within the Town of Milton limits is hereby imposed from April 17, 2008 until October 17, 2008. Any application for demolition of structures within the Town of Milton received by the Town before April 8, 2008 is in c. That was changed from the March date that previously was in there. What also was changed when the letter e. on page 2 was appealed to council? I believe that C Duby asked for some appeal criteria and I explained to C Martin-Brown that I could not add the criteria later, but I had to put a criterion that was showing due process. What I came up with was in Paragraph e, which is new to this and the previous e has been changed to f: "Any person who is aggrieved by this ordinance may file an appeal to the Council to permit the filing of a permit application and that permit application would be a demolition permit application. The criteria of review by council shall be by a preponderance of the evidence that an exception to the ordinance is warranted by the specific criteria which forms the basis for the Application. A majority vote of Council shall be required to exempt an application from this ordinance. For purposes of this ordinance, specific criteria shall include those reasons why demolition shall proceed while the moratorium is in place and why a delay would be an economic hardship, a safety hazard or other articulable factors if by compliance with the ordinance is not practicable." That would give you a basic criteria which says here "not limited to, but including if there is an economic hardship, if it is a safety hazard, if part of the building is falling down, if it was not designed for this moratorium to prevent the demolition permit application of a building that had collapsed or had other issues

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

and other articulable factors showing that compliance with this ordinance is not practicable." It took a little while to research those factors, but that is what I came up with as a criteria that would be neutral on its face, and would be dependent on the Applicant coming to Council and explaining why they would need an exemption from this ordinance and with that criteria in place, I believe it would be enforced and would be upheld however the Council reacted to such Application. C Prettyman: At this time, I would like to make a motion that we accept the ordinance to enact a 6-month moratorium from the date on which it has been approved, being April 17, 2008, on demolition within the Town of Milton, Ordinance No. 2008-003, as amended. C Betts: Second. Mayor Post: We have a motion and second, any discussion? Roll Call: C Martin-Brown, "yes"; C Duby, "yes"; C Hudson, "yes"; C Prettyman, "yes"; C Abraham, "yes"; C Betts, "yes"; and Mayor Post, "yes". Motion carried.

c. Development of new business review process, town center/historic preservation and other district regulations. Mayor Post: This relates to issues that this Town is facing among processes and policies and structure of getting this done efficiently. There was a meeting this week held by the Economic Development Committee where people did express concerns of different areas that they had faced, addressing opening a business, for example, in the Town Center and there were numerous issues. At the same time, we do not try to make things difficult for people. We enforce an ordinance and a law on how it is written. If you want it done differently, then the ordinance and/or law and/or policy and/or procedure must be changed. It's very easy to condemn and ridicule others for the failure and the flaws in the law. I think it is time that we take a serious approach in addressing it. We need to find which issues need to be addressed quickly. We have a Town Manager who is available every day and I have his cell phone, so I can even make him available more often, if someone on the Council wants to call me. What I'm saying is that we need to take this issue to task. There was a memo of a meeting that both the Town Manager and I attended with our Consultant, our Attorney and our Engineer. All three agreed that there are major flaws in the policies. They actually apologized for having to enforce them for the way they are written, but they must enforce these rules where they feel they are legally secure on the decisions that they make. Now we need to give them a chance on moving into the direction of cleaning up the mess that we have had to deal with and some of it comes from ordinances that have been written such as the LPD, issues of things like the procedures for opening a business in a dwelling that already exists, in the Town Center that already has a permitted use. But there are so many areas that you have to follow in our ordinances, that they create problems that prohibit following normal procedures; if it is closed more than a year, or the issues of pervious blacktop and striping and if your wish is not to have that, then we have to get to the point that you've got to understand that people have to enforce it the way it's written. I'm getting tired of having calls made to my house with complaints. We need to take this as a serious issue. I would like to move forward in this and the first process is getting the Team meeting with our Town

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

Manager, with a directive on addressing these issues and start pinpointing some of the hot issues, which can come from us as well, if we want to discuss them with the Town Manager. From there, we will move into appointing a committee and I've even discussed with C Duby to help with this committee. It was suggested that possibly the head of Planning & Zoning, the head of the Historic Commission and, perhaps some private citizens as well, could create a balanced committee that can work on getting these issues addressed. I know C Duby we have discussed this as far as procedures for site plans and things like that, and even then there are issues with our own ordinances that contradict the process that we work with. We need to mainstream this and make it legal and we need to make it easier. Even if it's a developer trying to put in a new development, we need to mainstream some of the processes. There is a big difference in this Town Center if somebody takes an existing building, such as Irish Eyes, coming in and wanting to open another store, whether it's a womens clothing store vs tearing down the building next to the theater and building a new building from the ground up. That should go through site plan review. A lot of other things could be addressed internally through inspections, by code enforcement, by our already written ordinances. We need to move forward, starting today, and say we're committed to make a change in this Town and make it easier for people to open businesses and I don't care if it's out on Route 16, in an existing structure, and I don't care if it's downtown, but I really think that we need to look at these processes. Our Town Manager suggested a flow sheet for processes (Where does it go? Who gets it first? Does it go to Planning & Zoning? Does it ever come back? You would pick up a plan review and you would see your flow sheet and you would say this is when we need to act, because it never comes back to us. It's over at Planning & Zoning. Perhaps there will be times when we do not like the way the ordinance is written and we want it to come back to us.) There are a lot of things we are going to address. We are going to spearhead this. We will be in the driver's seat. We'll be working with the consultants. We'll do it together and we're going to get it accomplished, in a reasonable amount of time. There are certain things that we may have to address more quickly. We've all seen things that need correction, as have our consultant and our engineer, regarding the LPD and in the processes of opening businesses. We also get legal advice on all of these issues, we might not like it all the time, but, I understand that he has to make a decision that he feels comfortable with, whether I agree with it or not. Sometimes we can argue it and work through it. They key is that instead of fighting over an issue, if we don't like it and we're all in agreement, then we need to change it. George Dickerson: The number of times that people come in to go through our procedures is often sad. Those people that are applying are confused by the process. There are, however, other outside influences that are also vitally important that people should know. Most members of Council understand this. Some of those are out of our control, i.e.: DEL DOT Approval, Fire Marshall's Office. Even though we have no control over these agencies, we must send people to them for answers. Oftentimes, the Applicant's have a favorable experience with the Agencies based on the circumstances. Sometimes they are

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

not favorable. The Applicant's must be involved in that process. The meeting we had the other day, after everything we tried to do, the consultant, Debbie Pfiel, took some hard knocks up here with regards to trying to get us through this process. We certainly do not want to be seen in an unfavorable light from those persons trying to open a new business in the Town of Milton. We want to speed that process up. Most of us are all here after 2004 and the reason that is important is that Planning & Zoning Regulations and Ordinances that we have on the books, were adopted in 2004. The people up here had nothing to do with those approvals and that process that went through to get us to where we are today. The process of going through and looking at the shortcomings of those ordinances have been remarkable. They have caused hard feelings in the Town, between the Town and Applicant, when the Applicant is being told that they just can't understand the reason why we can't waive some of these processes. We are not in a position to do that. When a consultant or an engineer renders an opinion on specifications, say on a road, the consultant works as best they can to identify policy and the process and then we seek legal opinion. We just don't pull these thoughts out of our hat. They are supported by legal opinion and we disagree on things and sometimes we make it tough. What we hoped to do as we finally get to where I think we need to be, is to get the buy-in and the vote of Council to give Robin Davis, Debbie Pfiel, and Bob Kerr time to get back to me by the May 5<sup>th</sup> meeting. with at least a preliminary outline of where we need to go and then a committee would be appointed to take steps to make these changes that are necessary. Thank you. Mayor Post: We want a Motion of Commitment. C Duby: Could I just ask a question? I'm not sure, Mr. Dickerson, what you're suggesting. I thought that what Ms. Pfiel presented before was the consultants' vision of where they wanted this to go. George Dickerson: This is a first step general approach. What she presented were scenarios, that were specific to those case scenarios, and that's one of the things we always struggle with internally because every application that comes in is somewhat unique. C Duby: I understand that. I'm not talking about the scenarios. I think those can be very helpful and I'm glad we have those, but, she did a power point presentation and she suggested the make-up of a certain committee and that the committee meet and do this and do that. Sounds to me like that's the process and I think it's a good idea to put the committee together with pretty much the make up that she suggested. I hate for us frankly to spend more time and money to pay the consultants to do something that has essentially already been done and I would like to see the committee appointed first and figure out what the committee's vision of how this process should go before we spend the money to have the consultant's give us their vision. I would like us to decide what we want to do and then ask them to respond to that. George Dickerson: I appreciate that opinion. I think if we take those who deal with these issues all the time as being the professionals it gives them the opportunity to present a plan and that's what Debbie Pfiel did at that time. This was a fresh approach after many conversations that the Mayor and I have had. At the end of the meeting that we most recently had, we thought the best direction to take would be to have these consultants come back and the Mayor wanted to be able to add persons to that

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

committee. It needs to be people from Planning & Zoning, Board of Adjustment, Historic Preservation, at least one critical member from each committee, maybe even the Chair. It's what the Council decides, but to keep that small working group so that something gets done and we have a good concensus of bringing a product quickly before Council. Sometimes committees can grow so large that little work gets accomplished as a result. C Duby: I was not suggesting we add to the committee, but we already have consultants. Mayor Post: I know where you are coming from C Duby, but listening to them they have seen a lot of the problems. I don't think they really have come out with the problems and I would like to give them another opportunity to tell us. They have been out in front of Planning & Zoning, Board of Adjustments and we've dealt with these things here, too. I want them to pinpoint the serious problems. They're not the end all because we may have issues of our own. We may not even agree with some of their issues. What I would like to see is their professional expertise of what are the major problems. There wasn't one of them that did not criticize the LPD. C Prettyman: Mr. Mayor, I feel that Ms. Pfiel, as our consultant, should look at the big picture. Then she can come back to us. That is the time to bring those questions back to the consultant so that they can be addressed. I would like to make a Motion to have the consultant go forth with this committee, once it has been formed, and to report back to the Mayor and Council. <u>C Duby</u>: Second. Mayor Post: We have a motion and second, any discussion? C Betts: Mr. Mayor, I thought that they were going to look it over and prepare information for us. Mayor Post: To the committee. C Betts: What committee? Mayor Post: There will be a committee that's appointed. First there will be a committee. It will not come back to full Council at first, because this is going to be a long process. On this committee, there will be several members from Council, the Chairs of Planning & Zoning, Board of Adjustments, Historic Commission, possibly some other people in there, and a couple of community people. We do not want it 10, 12, 14 people. George Dickerson: For clarification, here's what was envisioned at our meeting: by May 5, 2008 that the four members (John Brady, Debbie Pfiel, Bob Kerr and Robin Davis) of the working group will meet and identify a strategy to come forward as to process. One of the things we discussed was perhaps some of the administrative issues could be handled internally. Some Towns have given their personnel administrative ability to move some of these things quickly and look at the ordinance changes that it would take to get there. The issue here is for them to meet, come up with a strategy, present it to Council on May 5, 2008, the Council and the Mayor would name the members of the Committee. They would work together to get back to us and identify the critical issues. C. Betts: I would like to call a question. C Prettyman: That means the vote has to go. The Motion to direct the consultants (John Brady, Debbie Pfiel, Bob Kerr and Robin Davis) to come up with strategies and report back to the committee of a business review process that is effective and workable for the Town. I vote "yes". C Abraham: "yes". C Betts: "yes". C Prettyman: "yes". C Hudson: "yes". C Duby: "yes". C Martin-Brown: "yes". Mayor Post: "yes". Motion carried.

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

d. Discussion and possible vote on the procedures for relief requests from residents on utility billings.

<u>C Abraham</u>: I would like to make a Motion that we accept this new policy procedure for handling our water bill discrepancies (utility billing). <u>C Prettyman</u>: Second. <u>Mayor Post</u>: We have a motion and second, any discussion to the Motion? All in favor, motion carried.

e. Appointment of an ad hoc committee on developing a code of conduct for the Town.

<u>Mayor Post</u>: My problem is that with our new procedures for ethics forms I do not think that the ad hoc committee can be appointed tonight because some of the members have not filled out the ethics forms yet. <u>C Prettyman</u>: I make a Motion that we table that until our May Council Meeting. <u>C Duby</u>: Can we please have a consistency relating to this committee? The committee listings say the Ethics Ad Hoc Committee and on the agenda it says Code of Conduct. <u>Mayor Post</u>: Please make sure on the next agenda it reads the Ethics Ad Hoc Committee. Any discussion regarding this Motion? All in favor, motion carried.

f. Approval of 2008 Committee Appointments

<u>C Prettyman</u>: I would like to go on the record and thank those people that have served this Town for the past several years on the Planning & Zoning, the Board of Adjustments and on the other committees for their hard work, timeless and thankless hours of work they have done. I was part of Planning & Zoning in 1983 when we first started and it took us a year and a half to write and re-write. I just want to give them a thank you and let them know that we do appreciate their hard work. They didn't get paid for it and they care and love the community and gave of their time. <u>C Betts</u>: Second

C Prettyman: I make a Motion that we accept all those committee members that are printed in black and those that are in blue, once we receive the ethics letter, shall be appointed in May. C Abraham: Second. Mayor Post: We have a motion and second. Any questions to the Motion? <u>C Hudson</u>: I have a question on page 5 regarding the Health and Environmental Committee. I am questioning Joe Lemondo and Jack Horan. Were they already members, because I am thinking that they wanted to be on the Emergency Preparedness Committee? Were they originally on this committee? Mayor Post: No, they were not originally. C Hudson: I'm thinking that might have been a mistake. Their names should have been on the Emergency Preparedness Committee because for the last year that's the committee they have been attending? They have not come to the Health and Environmental Committee. Mayor Post: So if you would like to move those two up over to there. There are three and we might have to bump some of those names off. Maybe they would be interested in that. C Duby: You mean the three in blue? Mayor Post: Yes. C Hudson: The thing is that we have leaders of development and we have a liaison to the police, that's seven people right there. Now you add me and Prettyman and that's 8 and 9, so who are you going to take

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

off? We need these people. The Town has approved to buy radios for the two leaders to be used by the members, and this is one committee that should not be limited. If we have an emergency in this Town, northeasterly flooding, an ice storm, this is one committee that needs to have more members than the basic five members. I'm asking that you make an exception for this one committee. Mayor Post: We're moving Joe Lemondo and Jack Horan up there. Mayor Post: My concern is that these committees certainly can not meet because people have not completed their forms. Some are on vacation, some work Monday through Friday and can not bring in their forms. I'll deal with this situation right now. These are your new committee chairpersons:

Historic District Expansion Ad Hoc Committee – Brenda Burns
Economic Development – C Martin-Brown
Emergency Preparedness Committee – C Hudson
Board of Health and Health & Environment Committee – C Hudson
Land Acquisition – C Duby
Milton Development Committee – Vice Mayor Betts
Parks & Recreation – C Duby (add Emery West)
Personnel & Pension – C Abraham
Public Information Committee – Janet Turner
Water Committee – C Abraham
Streets & Sidewalks – Vice Mayor Betts
Dog Park Committee – Bill Starter (add C Abraham)
Ethics Ad Hoc Committee – tabled until next month

<u>Mayor Post</u>: We have an amended motion and second. <u>Jack Brady</u>: Does the person who made the motion, approve the amended motion? Who made the motion, approve the amended motion? <u>C Prettyman</u>: Yes. <u>Jack Brady</u>: Does the person that seconded the original motion, second the amended motion? <u>C Abraham</u>: Yes. <u>Mayor Post</u>: Roll call vote: C Martin-Brown, "yes"; C Duby, "yes"; C Hudson, "yes"; C Prettyman, "yes"; C Abraham, "yes"; C Betts, "yes"; and Mayor Post, "yes".

Jack Brady (interrupted at 8:37 p.m.): Mr. Mayor I just need to remind you in the Town Charter you had a question about how many members of Boards and Commissions you have. Under 15(b) – Duty of the Mayor it says: "numbers serving on such Boards and Commissions is fixed at a minimum of five and a maximum of nine". Since you only named nine to the Emergency Preparedness Committee (for the ones whose names were in black) there might not be a lot of wiggle room with the additional people. Well, it's in the same Section C for properly creating committees and appointing all such members. "The Mayor and Council shall have the right to appoint individuals to such bodies after they have completed their ethics form." That's in Section C. Mayor Post: Well there's going to be another appointment. Just for the record what happened was we had a resignation on Planning & Zoning, Bill

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

Brierly. He resigned yesterday and the member who was going to be on the Board of Adjustments, Ed Kost, I moved over to Planning & Zoning because that's where he has more of his expertise. So there will be no meeting of the Board of Adjustments this month. At the May meeting, we have to get one Ethics Form signed and then there will be an appointment. I have someone, but he's on vacation and I have not contacted him yet for Board of Adjustments. This just happened late yesterday.

### 9. New Business

a. Proposed ordinance amendment to Section 4.7.2 (A) of zoning ordinance – Permitted Uses in the Light Industrial Use District.

Mayor Post: In front of us is probably an example of an issue of what we're talking about with problems. (At 8:42 p.m. this issue was addressed again.) Mr. Brady: "Ordinance 2008-004, an ordinance amending Section 4.7.2 (A) the Permitted Uses of the Light Industrial Use District is zoning for the Town of Milton. Whereas, the Town of Milton wishes to amend Section 4.7.2 (A) of the zoning code of the Town of Milton, Delaware, by adding the following: it's permitted uses in the Light Industrial Use District thereto, is a follows: number 15 professional offices, number 16 medical clinics. This Ordinance established professional offices and medical clinics as a permitted use in the Light Industrial Use District. First reading: April 17, 2008. Public Hearing needs to be set. The next date for Public Hearing that is available is prior to the May meeting and then it can be enacted after that date. This is the first reading of the Ordinance at this time." You don't have to vote on it, you just have to say it should go for a Public Hearing. C Prettyman: I make a motion that Ordinance 2008-004 go for Public Hearing on May 5, 2008. C Duby: Second. Mayor Post: Any questions to the motion? All in favor, motion carried.

b. Review of grant application from the Delaware Forest Service and determine the town's portion of the match if the grant is filed.

<u>C Prettyman</u>: I make a motion that we table this since I just received it this evening, until the May 5, 2008 meeting. <u>C Abraham</u>: Second. <u>Mayor Post</u>: Is there any deadline? <u>C Hudson</u>: Yes, we have to get it out next week or we'll lose \$10,000. <u>Mayor Post</u>: We have a motion. <u>C Hudson</u>: I thought we could have a motion and a second and then we could have some discussion. <u>Mayor Post</u>: Well, they had a motion and it's seconded, but I just want to add that I would appreciate it C Prettyman if you would remove your motion from the floor and listen to the proposal of what's in front of you. <u>C Prettyman</u>: Mr. Mayor, I just received it this evening. There is no way that I'm going to sit up here and make a motion on this without being able to read it and take it in and know what I am making a motion on. <u>Mayor Post</u>: It's part of the whole park concept. You've got your motion; you've got your second, go ahead and vote on it at the end. Start a

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

roll call: <u>C Prettyman</u>, "yes", <u>C Abraham</u> "I will withdraw my second if C Prettyman will entertain what has to be said." Mr. Brady: Under Robert's Rules of Order of the new Charter, you can not withdraw a second during a roll call vote. A vote "yes" is to table and a vote "no" would not to be tabled. C Betts: Could we have a discussion? Mayor Post: Yes, there can always be a discussion. if we get a motion on the floor. Mr. Brady: There was discussion. There was a call for roll call. C Betts: I didn't hear enough discussion on it. It was just that we were going to it. C Abraham: That's because there was a motion made so quickly. C Betts: If you make a motion and a second, you have time for discussion. Mr. Brady: And there was. The motion that is on the floor is to table this and the roll call has started. Mayor Post: And there was discussion about tabling it. Mr. Brady: Pursuant to Robert's Rules once the roll call starts, he can't interrupt the roll call. C Abraham: "Alright, I'll vote no to table it and hope to listen to it after." C Betts: "No, we can hear it afterwards." C Martin-Brown "No." C Duby "No." C Hudson "No." Mayor Post: "No." Motion is carried. Mr. Brady: Motion is defeated. C Abraham: Mr. Mayor, can I say something? Mayor Post: Yes. C Duby: As C Hudson has said, this is really much simpler then it looks and I will try to explain it. As Mary Hudson said, she had a call from the Delaware Forestry Service offering the Town the opportunity to apply for grant funds that were left at the end of the fiscal year which concludes at the end of June. They came to us because they knew that there was working going on to protect the Broadkill and so they felt that we would be a good potential candidate to get these grant funds that they wanted to expend, rather than have them expire. The reason that you have such a thick proposal here is that, this application for funds had to be prepared quickly C Hudson: I make a motion that we accept the concept of the 2008 tree planting grant application. C Duby: Second. Mayor Post: We have a motion and second. Any more discussion? Roll call vote: C Martin-Brown: "Yes"; C Duby: "Yes"; C Hudson: "Yes"; C Prettyman: "No" I just got it and I'm still holding on to the no. If they had known about this so long they should have had... Since they were meeting with people they did not choose to let full Council know and I don't think that is fair for us to have to make a motion this evening"; C Abraham: Although I agree with C Prettyman, as to not being aware of this, I would like to see trees in the Park and so I'll vote for this. "Yes". C Betts: "Yes"; and Mayor Post: "Yes". Motion carried.

c. <u>Mayor Post</u>: The last on New Business is the closing of Prettyman Street. <u>C</u>

<u>Betts</u>: They are requesting that Prettyman Street be closed May 3, 2008 from 6:00

a.m. to 6:00 p.m. for St. John the Baptist Episcopal Church Yard Sale. I make a

motion to accept this request. <u>C Prettyman</u>: Second. <u>Mayor Post</u>: We have a

motion and a second, any discussion to the motion? All in favor, motion carried.

## 10. Adjournment

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

<u>Mayor Post</u>: Do we have a motion to adjourn? <u>C. Prettyman</u>: Okay, I'll make a motion to adjourn. <u>C Duby</u>: Second. <u>Mayor Post</u>: We have a motion and second. Any further discussion? Okay. All in favor, motion carried. Meeting adjourned at 8:57 p.m.

<sup>\*</sup>The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.